

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY - SOCIAL SERVICES

PREAMBLE

- 1. Sections Affected**
Appendix A
Appendix B
- Rulemaking Action**
Amend
Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statute the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 41-1005(A)(26); 41-1954(A)(3); 46-134(A)(12); 46-805
Implementing statutes: A.R.S. §§ 46-801 through 46-810
Statute authorizing the exemption: A.R.S. § 41-1005(A)(26)
- 3. The effective date of the rules:**
July 1, 2000 (This date is consistent with statutory requirements regarding eligibility levels and reimbursement rates.)
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Beth A. Broeker
Address: 1798 West Jefferson, Site Code 837A
Phoenix, Arizona 85007
or
P.O. Box 6123, Site Code 837A
Phoenix, Arizona 85005
Telephone: (602) 542-6555
Fax: (602) 542-6000
E-mail: bbroeker@mail.de.state.az.us
- 6. An explanation of the rule, including the agency's reason for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**
A.R.S. § 41-1005(A)(26) gives the Department an exemption from the Administrative Procedure Act to develop rules under A.R.S. § 46-805. This statute gives the Department the authority to establish payment rates for child care assistance and a sliding fee scale and formula for determining child care assistance. The Department is adopting a new Child Care Assistance Gross Monthly Income Eligibility Chart & Fee Schedule to adjust the eligibility limits for child care assistance (to reflect updated Federal Poverty Guidelines) and new Maximum Reimbursement Rates For Child Care (to reflect changes made to the maximum provider reimbursement rates the Department will pay for child care subsidies when services are provided by Non-Certified Relative Providers).

7. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of the state:**
Not applicable
8. **The summary of the economic, small business, and consumer impact:**
Because these rules are exempt from the Administrative Procedure Act under A.R.S. § 41-1005(A)(26), the Department did not prepare an economic impact statement.
9. **A description of the changes between the proposed rule, including supplemental notices, and final rules (if applicable):**
Not applicable
10. **A summary of the principle comments and the agency response to them:**
Not applicable
11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
Not applicable
12. **Incorporations by reference and their location in the rules:**
Not applicable
13. **Was this rule previously adopted as an emergency rule?**
No
14. **The full text of the rules follows:**

TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY
SOCIAL SERVICES

ARTICLE 49. CHILD CARE ASSISTANCE

Section

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart & Fee Schedule

Appendix B. Maximum Reimbursement Rates For Child Care

Arizona Administrative Register

Notices of Exempt Rulemaking

ARTICLE 49. CHILD CARE ASSISTANCE

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY
DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES - CHILD CARE ADMINISTRATION**

**CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE
(EFFECTIVE JULY 1, 1999)
(EFFECTIVE JULY 1, 2000)**

Family Size ↓	<i>FEE LEVEL 1 (L1)</i>	<i>FEE LEVEL 2 (L2)</i>	<i>FEE LEVEL 3 (L3)</i>	<i>FEE LEVEL 4 (L4)</i>	<i>FEE LEVEL 5 (L5)</i>	<i>FEE LEVEL 6 (L6)</i>
	INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 135% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0—584 0—592	585—687 593—696	688—928 697—940	929—997 941—1,010	998—1,065 1,011—1,079	1,066—1,134 1,080—1,149
2	0—784 0—798	785—922 799—938	923—1,245 939—1,267	1,246—1,337 1,268—1,361	1,338—1,430 1,362—1,454	1,431—1,522 1,455—1,548
3	0—984 0—1,003	985—1,157 1,004—1,180	1,158—1,562 1,181—1,593	1,563—1,678 1,594—1,711	1,679—1,794 1,712—1,829	1,795—1,909 1,830—1,947
4	0—1,184 0—1,208	1,185—1,392 1,209—1,421	1,393—1,880 1,422—1,919	1,881—2,019 1,920—2,061	2,020—2,158 2,062—2,203	2,159—2,297 2,204—2,345
5	0—1,383 0—1,414	1,384—1,627 1,415—1,663	1,628—2,197 1,664—2,246	2,198—2,360 2,247—2,412	2,361—2,522 2,413—2,578	2,523—2,685 2,579—2,744
6	0—1,583 0—1,620	1,584—1,862 1,621—1,905	1,863—2,514 1,906—2,572	2,515—2,700 2,573—2,763	2,701—2,887 2,764—2,953	2,888—3,073 2,954—3,144
7	0—1,783 0—1,825	1,784—2,097 1,826—2,146	2,098—2,831 2,147—2,898	2,832—3,041 2,899—3,112	3,042—3,251 3,113—3,327	3,252—3,460 3,328—3,541
8	0—1,983 0—2,030	1,984—2,332 2,031—2,388	2,333—3,149 2,389—3,224	3,150—3,382 3,225—3,463	3,383—3,615 3,464—3,702	3,616—3,848 3,703—3,941
9	0—2,182 0—2,236	2,183—2,567 2,237—2,630	2,568—3,466 2,631—3,551	3,467—3,723 3,552—3,814	3,724—3,979 3,815—4,077	3,980—4,236 4,078—4,340
10	0—2,382 0—2,441	2,383—2,802 2,442—2,871	2,803—3,783 2,872—3,876	3,784—4,063 3,877—4,163	4,064—4,344 4,164—4,451	4,345—4,624 4,452—4,738
11	0—2,582 0—2,647	2,583—3,037 2,648—3,113	3,038—4,100 3,114—4,203	4,101—4,404 4,204—4,514	4,405—4,708 4,515—4,826	4,709—5,011 4,827—5,137
12	0—2,782 0—2,852	2,783—3,272 2,853—3,355	3,273—4,418 3,356—4,530	4,419—4,745 4,531—4,865	4,746—5,072 4,866—5,201	5,073—5,399 5,202—5,249**

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule (continued)

MINIMUM REQUIRED CO-PAYMENTS**

MINIMUM REQUIRED CO-PAYMENTS

1st child in care	full day = \$1.00 part day = \$.50	full day = \$2.00 part day = \$1.00	full day = \$3.00 part day = \$1.50	full day = \$5.00 part day = \$2.50	full day = \$7.00 part day = \$3.50	full day = \$10.00 part day = \$5.00
2nd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50
3rd child in care	full day = \$.50 part day = \$.25	full day = \$1.00 part day = \$.50	full day = \$1.50 part day = \$.75	full day = \$2.50 part day = \$1.25	full day = \$3.50 part day = \$1.75	full day = \$5.00 part day = \$2.50

No minimum required co-pay for 4th (or more) child in care. Full day = six or more hours; part day = less than six hours.

~~**Families receiving child care assistance based upon involvement with Child Protective Services/Foster Care, the JOBS Program, the Arizona Works Program or those who are receiving cash assistance (formerly AFDC) and who are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the Minimum Required Co-Payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.~~

Families receiving child care assistance based upon involvement with Child Protective Services/Foster Care, the JOBS Program, the Arizona Works Program or those who are receiving cash assistance and who are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the Minimum Required Co-Payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.

* Federal Poverty Level (FPL) - US DHHS 4999 2000 poverty guidelines.

** This amount is equal to the Federal Child Care & Development Fund statutory limit (for eligible for child care assistance) of 85% of the state median income.

Appendix B. Maximum Reimbursement Rates for Child Care

**ARIZONA DEPARTMENT OF ECONOMIC SECURITY
DIVISION OF EMPLOYMENT & REHABILITATION SERVICES
CHILD CARE ADMINISTRATION**

**MAXIMUM REIMBURSEMENT RATES FOR CHILD CARE
(effective for services provided on or after 7/1/99)**

CENTERS

Age Group	District I	District II	District III	District IV	District V	District VI
Birth < 1 yr: Full day Part day	25.20 18.80	22.00 16.20	18.80 16.00	21.00 12.00	15.00 12.00	16.47 10.60
1 yr < 3 yrs: Full day Part day	22.00 15.40	20.93 14.00	17.21 14.00	16.00 12.00	20.50 12.00	16.47 12.00
3 yrs < 6 yrs: Full day Part day	20.00 14.00	18.72 13.00	16.74 13.00	16.00 11.60	16.67 12.40	16.47 10.40
6 yrs < 13 yrs: Full day Part day	20.00 12.00	19.00 11.50	16.80 12.00	16.28 11.00	16.00 13.33	14.00 11.00

Arizona Administrative Register
Notices of Exempt Rulemaking

Appendix B. Maximum Reimbursement Rates for Child Care (continued)

GROUP HOMES

Age Group	District I	District II	District III	District IV	District V	District VI
Birth < 1 yr: Full day Part day	19.00 12.00	16.00 14.00	17.50 12.00	15.00 9.00	15.00 7.50	17.00 14.00
1 yr < 3 yrs: Full day Part day	18.00 12.00	16.00 12.00	15.00 12.00	15.00 9.00	15.00 7.50	15.00 14.00
3 yrs < 6 yrs: Full day Part day	17.00 12.00	16.00 12.00	15.00 11.63	13.95 8.00	15.00 7.50	15.00 14.00
6 yrs < 13 yrs: Full day Part day	17.00 12.00	16.00 11.00	15.00 11.63	13.00 7.60	15.00 7.50	15.00 14.00

CERTIFIED FAMILY HOMES & CERTIFIED IN-HOME PROVIDERS

Age Group	District I	District II	District III	District IV	District V	District VI
Birth < 1 yr: Full day Part day	18.00 12.00	16.00 10.00	16.00 8.00	15.00 8.00	16.00 8.00	15.00 8.00
1 yr < 3 yrs: Full day Part day	17.00 11.00	15.00 10.00	16.00 8.00	15.00 8.00	15.00 8.00	15.00 8.00
3 yrs < 6 yrs: Full day Part day	16.00 10.00	15.00 9.00	15.00 8.00	13.00 8.00	15.00 8.00	15.00 8.00
6 yrs < 13 yrs: Full day Part day	16.00 10.00	15.00 9.00	15.00 8.00	13.00 7.50	15.00 8.00	15.00 8.00

Full day = six or more hours per day

Part day = less than six hours per day

The maximum reimbursement rates may be increased by up to ten percent, for child care providers who are nationally accredited.

Actual reimbursement will be provider's actual charges, minus any client designated co-pay, not to exceed maximum reimbursement rates.

NON-CERTIFIED RELATIVE PROVIDERS

Payment rates for Non-Certified Relative Providers (NCRPs) who enter into Registration Agreements for the provision of care on or after 7/1/99 and for those who were included in the fixed rate pilot project will be fixed rates at \$8.50 for full day and \$4.50 for part day. This rate will be paid to NCRPs state wide for care provided to children of all ages. NCRPs who have an ongoing Registration Agreement which was in effect prior to 7/1/99 and were not included in the pilot will be paid their actual stated charges, not to exceed the maximums specified below. will have fixed rates (of \$10.50 for full day and \$6.00 for part day) minus any client designated co-pay. This rate will be paid to NCRPs statewide for care provided to children of all ages.

However, NCRPs who have an ongoing Registration Agreement which was in effect prior to 7/1/99, and were not included in the fixed rate pilot project will be paid their actual stated charges (not to exceed any of the applicable maximums specified below) minus any client designated co-pay. (These providers may however choose to be included in the fixed rate payment structure.)

Arizona Administrative Register
Notices of Exempt Rulemaking

Appendix B. Maximum Reimbursement Rates for Child Care (continued)

Age Group	District I	District II	District III	District IV	District V	District VI
Birth < 1 yr:						
Full day	12.60	10.80	10.80	10.80	10.80	10.80
Part day	7.20	7.20	5.40	5.40	5.40	5.40
1 yr < 3 yrs:						
Full day	12.60	10.80	10.80	9.25	10.80	10.80
Part day	7.20	7.20	5.40	5.40	5.40	5.40
3 yrs < 6 yrs:						
Full day	11.70	10.80	9.90	9.00	10.80	9.00
Part day	7.20	7.20	4.50	5.40	5.40	5.40
6 yrs < 13 yrs:						
Full day	11.70	10.80	9.00	10.80	10.80	9.90
Part day	7.20	6.30	4.50	5.40	5.40	5.40

Full day = six or more hours per day

Part day = less than six hours per day

~~Actual reimbursement will be provider's actual charges, minus any client designated co-pay, not to exceed maximum reimbursement rates.~~